

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HERB CHAMBERS 1186, INC. d/b/a  
HERB CHAMBERS INFINITI OF BOSTON,

Plaintiff,

V.

DONALD A. SMITH, JR., PRESTIGE AUTO  
IMPORTS, INC. d/b/a WEBSTER AUTO  
SALES and REZA PARINEJAD

Defendants.

13-cv-11798-JLT

**PLAINTIFF HERB CHAMBERS 1186, INC. d/b/a HERB CHAMBERS  
INFINITI OF BOSTON'S INITIAL DISCLOSURE STATEMENT**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Rule 26.2(A) of the Local Rules of the District of Massachusetts, Plaintiff Herb Chambers 1186, Inc. d/b/a Herb Chambers Infiniti of Boston ("Chambers Infiniti") hereby submits these initial disclosures.

The information contained in this initial disclosure statement is based on information reasonably available to Chambers Infiniti to date. Chambers Infiniti's search for additional documents and information that may support its claims or defenses is ongoing and, therefore, it does not represent that it has identified every witness, document, or thing it ultimately may use to support its claims or defenses and expressly reserves its right to supplement, amend or clarify these disclosures pursuant to Federal Rule of Civil Procedure 26(e) in light of further discovery and investigation.

Chambers Infiniti's disclosures are made without waiver of or prejudice to: (1) any objection it may have to the production of documents or individuals for examination, answers to interrogatories, or any other form of discovery or evidence; (2) its right to object to the use of

any information disclosed herein for any purpose, in whole or in part, in any proceeding in this action or in any other action or proceeding; (3) its right to designate and maintain any information, document, or thing as confidential; or (4) its right to object on any and all proper grounds to any inspection, demand or discovery request or proceeding involving or relating to the subject matter of these disclosures, even if directed to the subject matter described herein. Moreover, these disclosures do not constitute admissions as to the relevance or admissibility of the information disclosed or a waiver of any applicable attorney-client privilege, work product protection, or other protection or immunity.

#### **I. Rule 26(a)(1)(A)(i) – Individuals**

Based on information available to Chambers Infiniti at the present time, Chambers Infiniti identifies the following as individuals who are reasonably likely to have discoverable information that it may use to support its claims or defenses in this matter unless the use would be solely for impeachment purposes:

<b>NAME</b>	<b>CONTACT INFORMATION</b>	<b>SUBJECT MATTER</b>
Donald A. Smith, Jr.	c/o Stephen Gill, Esq. 11 Middle Street Natick, MA 01760 (508) 395-6869	Elements of, and information concerning, the claims and defenses asserted in this action; multiple affidavits submitted in this action; the process by which the vehicles at issue were transferred to Defendants Parinejad and Webster Auto; damage analysis
Reza Parinejad	c/o Daniel J. Pasquarello, Esq. Dain, Torpy Le Ray, Wiest & Garner, P.C. 129 South Street, 3rd Floor Boston, MA 02111 (617) 542-4808	Elements of, and information concerning, the claims and defenses asserted in this action; multiple affidavits submitted in this action; the process by which the vehicles at issue were transferred to Defendants Parinejad and Webster Auto; damage analysis
Prestige Auto Imports, Inc. d/b/a Webster Auto Sales ("Webster	c/o Daniel J. Pasquarello, Esq. Dain, Torpy Le Ray, Wiest & Garner, P.C. 129 South Street, 3rd Floor	Elements of, and information concerning, the claims and defenses asserted in this action; multiple affidavits submitted in this action; the process by which the

Auto")	Boston, MA 02111 (617) 542-4808	vehicles at issue were transferred to Defendants Parinejad and Webster Auto
Bradford A. Gomes	c/o Howard M. Cooper, Esq. Todd & Weld LLP 28 State Street, 31st floor Boston, MA 02109 (617) 720-2626	Elements of, and information concerning, the claims and defenses asserted in this action; multiple affidavits submitted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti; damages incurred by Chambers Infiniti
James Bulger	c/o Howard M. Cooper, Esq. Todd & Weld LLP 28 State Street, 31st floor Boston, MA 02109 (617) 720-2626	Elements of, and information concerning, the claims and defenses asserted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti
Michelle Machado	c/o Howard M. Cooper, Esq. Todd & Weld LLP 28 State Street, 31st floor Boston, MA 02109 (617) 720-2626	Elements of, and information concerning, the claims and defenses asserted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti
Karen Scaduto	c/o Howard M. Cooper, Esq. Todd & Weld LLP 28 State Street, 31st floor Boston, MA 02109 (617) 720-2626	Elements of, and information concerning, the claims and defenses asserted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti
John Carlyle	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti
Jason O'Brien	c/o Howard M. Cooper, Esq. Todd & Weld LLP 28 State Street, 31st floor Boston, MA 02109 (617) 720-2626	Elements of, and information concerning, the claims and defenses asserted in this action; policies and procedures regarding transfer and ownership of vehicles at Chambers Infiniti
Genane Castro	315 Charger Street, Apt. 77 Revere, MA	Elements of, and information concerning, the claims and defenses asserted in this action
Dimitrios Antonakas	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Colin Walker	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Robert Toomanians	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action; elements of, and information

		concerning, the claims and defenses asserted in a separate similar action against him and Webster Auto/Parinejad
Joseph Moore	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Akbar Kazemiasfeh	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Ronald Lee	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Jonathan Archbold	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Anderson Villefranche	8 Bellevue Terrace Somerville, MA 02144	Elements of, and information concerning, the claims and defenses asserted in this action
Don Lovan	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Victoria Belle McPhee	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Kambiz Bazazi	29 Webb Street Middleton, MA 01949	Elements of, and information concerning, the claims and defenses asserted in this action
Ignace Viel, Jr.	Unknown	Elements of, and information concerning, the claims and defenses asserted in this action
Peter Zak	c/o Roberta Driscoll 617-558-1818	Elements of, and information concerning, the claims and defenses asserted in this action
Helen Zak	c/o Roberta Driscoll 617-558-1818	Elements of, and information concerning, the claims and defenses asserted in this action

Based on current information, representatives from the following third-party entities may also have information related to the claims and defenses in this action (including Chambers Infiniti's claim for damages):

- Bank of America, Keeper of Records, 100 Federal Street, Boston, MA 02110

- Massachusetts Department of Transportation, Keeper of Records, 10 Park Plaza, Suite 3510, Boston, MA 02116
- TD Bank, N.A., Keeper of Records, c/o Corporation Service Company, 84 State Street, Boston, MA 02109
- Citizens Bank, Keeper of Records, State Street Office, 28 State Street, Boston, MA 02109
- Sovereign Bank, Keeper of Records, 75 State Street, Boston, MA 02109
- Brookline Bank, Keeper of Records, 160 Washington Street, Brookline, MA 02445
- Lynnway Auto Auction, Inc., Keeper of Records, 400 Charter Way, North Billerica, MA 01862
- Quincy Auto Auction, Keeper of Records, 196 Ricciuti Drive, Quincy, MA 02169
- ADESA Boston, Keeper of Records, 63 Western Avenue, Framingham, MA 01702

In addition to the persons identified above, other persons whose names appear in the documents described in Part II below may be likely to have discoverable information that Chambers Infiniti may use to support its claims or defenses. Chambers Infiniti reserves the right to seek discovery from, and relating to, other persons that may subsequently become known as persons likely to have discoverable information relevant to its claims and defenses. Chambers Infiniti reserves the right to rely on discoverable information from sources identified in the Rule 26(a) disclosures of any of the other party in this action. Chambers Infiniti further reserves the right to modify the foregoing list and to designate and/or call additional or fewer witnesses.

The identification of the foregoing persons does not constitute either an admission that such persons have relevant or admissible information or a waiver of attorney-client privilege or any other applicable privilege. In making these disclosures, Chambers Infiniti does not waive its right to object, pursuant to the applicable Federal and Local Rules, to the deposition or other testimony of any individual or entity, including those identified above.

## **II. Rule 26(a)(1)(A)(ii) – Documents**

Copies of documents, electronically stored information and tangible things in Chambers Infiniti's possession, custody or control that it may use to support its claims or defenses in this action have already been, or will be, provided to Defendants as part of the discovery process in this action. Documents have also already been produced by other parties in and third-parties to this action.

In addition to the documents referenced above, the following are categories of documents, electronically stored information and tangible things in the possession, custody or control of Chambers Infiniti that it may use to support its claims or defenses, other than solely for impeachment purposes:

- Documents concerning the vehicles at issue;
- Documents concerning damages claimed by Chambers Infiniti;
- Don Smith, Jr.'s personnel file;
- Documents concerning Chambers Infiniti's policy and procedures with regard to employee purchased vehicles;
- Documents otherwise relating to the above-captioned matter.

## **III. Rule 26(a)(1)(A)(iii) – Damages Computation**

As identified on Chambers Infiniti's Amended Schedule of Damages, Chambers Infiniti has incurred approximately \$173,681 in lost profits as a result of the Defendants' unlawful misappropriation of at least twenty (20) vehicles from Chambers Infiniti. This amount does not account for the multiplication of damages and reasonable attorney's fees and costs that it is entitled to under the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. §1961 *et seq.* and/or M.G.L. c. 93A.

Chambers Infiniti's investigation is ongoing and it expressly reserves the right to amend or modify this damage computation as more information becomes available.

**IV. Rule 26(a)(1)(A)(iv) – Insurance Agreements**

Chambers Infiniti is not aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Respectfully Submitted,

HERB CHAMBERS 1186, INC. d/b/a  
HERB CHAMBERS INFINITI OF BOSTON,

By its attorneys,

/s/ Ian J. Pinta  
Howard M. Cooper (BBO #543842)  
hcooper@toddweld.com  
Ian J. Pinta (BBO #667812)  
ipinta@toddweld.com  
Todd & Weld LLP  
28 State Street, 31<sup>st</sup> floor  
Boston, MA 02109  
(617) 720-2626

Date: October 15, 2013

**CERTIFICATE OF SERVICE**

I, Ian J. Pinta, hereby certify that I have served a copy of the foregoing document on Daniel J. Pasquarello, Esq., Michael J. McDermott, Esq., and Stephen J. Gill, Esq. by first-class mail on October 15, 2013.

/s/ Ian J. Pinta  
Ian J. Pinta